

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: 15 June 2005

Division: Growth Management

Bulk Item: Yes X No

Department: Environmental Resources

Staff Contact: Ralph Gouldy

AGENDA ITEM WORDING:

Approval for a Grant of Conservation Easement for Lots 7 and 14 Block 5 Amended Plat of Key Largo Park, Monroe County, Platbook 3, page 62 Monroe County Records, Monroe County, Florida, RE# 00524070-000000, 00524170-000000.

ITEM BACKGROUND: None

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES: None

STAFF RECOMMENDATIONS: Approval

TOTAL COST: \$44.00

BUDGETED: Yes N/A No

COST TO COUNTY: None

SOURCE OF FUNDS: Alejandro Rodriguez

REVENUE PRODUCING: Yes No X **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

Grant of Conservation Easement

THIS AGREEMENT is made this _____ day of _____, 20____ by and between

Indiana Vale and Lazaro Ruiz

whose address is 5801 West 3rd Avenue, Hialeah, Florida 33012

County of Miami-Dade State of Florida, (Grantor) and Monroe County, a

political subdivision of the State of Florida, whose address is 5100 College Road, Stock Island, Key West, FL 33040 (Grantee).

The parties recite and declare:

The Grantor is the owner of certain real property commonly known as

3 Miami Drive, Key Largo, Florida 33037

(the servient estate), more particularly described as follows: (Legal description) Lots 7 and 14 Block 5

Amended Plat of Key Largo Park, Monroe County Platbook 3 page 62,

RE# 00524070-000000 and RE# 00524170-000000

The Grantor desires to develop the servient estate as (describe project):

A single family home as shown in permit #99302272

The servient estate contains (describe relevant natural features):

Low Quality High Elevation Tropical Hardwood Hammock

The Grantee is a general purpose political subdivision of the State authorized and required to regulate and control the use of real property through land development regulations in order to protect the public health, safety and welfare. Sec. 9.5-336 of the Grantee's land development regulations requires that

certain areas of the servient estate be retained as open space and preserved in their natural condition if the servient estate is to be developed as a single family home

The parties agree as follows:

1. Grant of easement.

In consideration for a development permit for single family home and in order to comply with Sec. 9.5-336, Monroe County Code, the Grantor hereby grants to Grantee the easement described below.

2. Character of the easement and governing law.

This easement is a conservation easement under Sec. 704.06, Fla. Stat. and is to be governed by, construed and enforced in accordance with that statute and with the applicable laws of the State of Florida.

3. Location of the easement. (metes and bounds description of the open space area)

- a. The conservation easement is located as follows
as shown in Exhibit A attached

b. The location of the easement is also described in the diagram attached to this instrument as Exhibit "A" and, by reference, made a part of as fully and to the same effect as if set forth in this instrument in its entirety.

4. Restraints imposed by the Conservation Easement.

The conservation easement granted by this instrument imposes the following restrictions on the future use of the servient estate within the easement area:

- a. No removal, trimming or pruning of trees, shrubs, or other vegetation (except non-native vegetation whose removal is authorized by the Grantee's biologist).
- b. No acts that are detrimental to wildlife or wildlife habitat preservation.
- c. No excavation, dredging, or removal of loam, peat gravel, soil, rock, or other material substances in such manner as to affect the surface.
- d. No activities detrimental to drainage, flood control, water conservation, erosion control and soil conservation.

e. No dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.

f. No planting of non-native plants.

5. Terms and persons bound.

This conservation easement is perpetual, runs with the land and is binding on all present and subsequent owners and mortgagees of the servient estate. Grantor represents that the mortgagee(s), if any, whose consent is attached hereto, is (are) the only mortgagee(s) having a security interest in the servient estate.

6. Entire Agreement.

This agreement constitutes the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this agreement is not binding upon either party except to the extent incorporated in this Agreement.

7. Modification of Agreement.

Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement is binding only if evidenced in writing and signed by an authorized representative of each party and by any mortgagee.

8. Attorney's fees.

In the event of any controversy, claim or dispute arising under this instrument, the prevailing party is entitled to recover reasonable attorney's fees and costs.

9. Entry of Grantee's representative on the servient estate.

The Grantee's representative on the servient estate, after first furnishing the Grantor no less than 24 hours notice, shall have the right of entry for the purposes of inspection to determine grantor's compliance with the provisions of this Agreement.

10. Notice. Any notice provided for or concerning this Agreement must be in writing and is sufficiently given when sent by certified or registered mail, or via an equivalent service furnished by a private carrier, to the respective address of each party as set forth at the beginning of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day and year first above written.

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA (Grantee)

By _____
Deputy Clerk

[Signature]
Signature of witness

Cecilia Rodriguez
Printed name of witness

Tatiana Rodriguez
Signature of witness

Tatiana Rodriguez
Printed name of witness

By _____
Mayor/Chairman

Wale [Signature]
Grantor

Idania Vale & Javier Vale
Printed name of Grantor

[Signature]
Grantor

LAZARO RUIZ
Printed name of Grantor

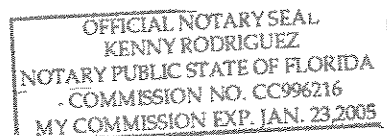
STATE OF FLORIDA
COUNTY OF Monroe

BEFORE ME, the undersigned authority, personally appeared Idania & Javier Vale
and Lazaro Ruiz, who are personally known to me, or have produced
Driver's License, respectively as identification.

Sworn to and subscribed before me this 12th day of December, 2004.

Kenny Rodriguez CC996216
Typed Notary Name and Number

[Signature]
Notary Signature and Seal



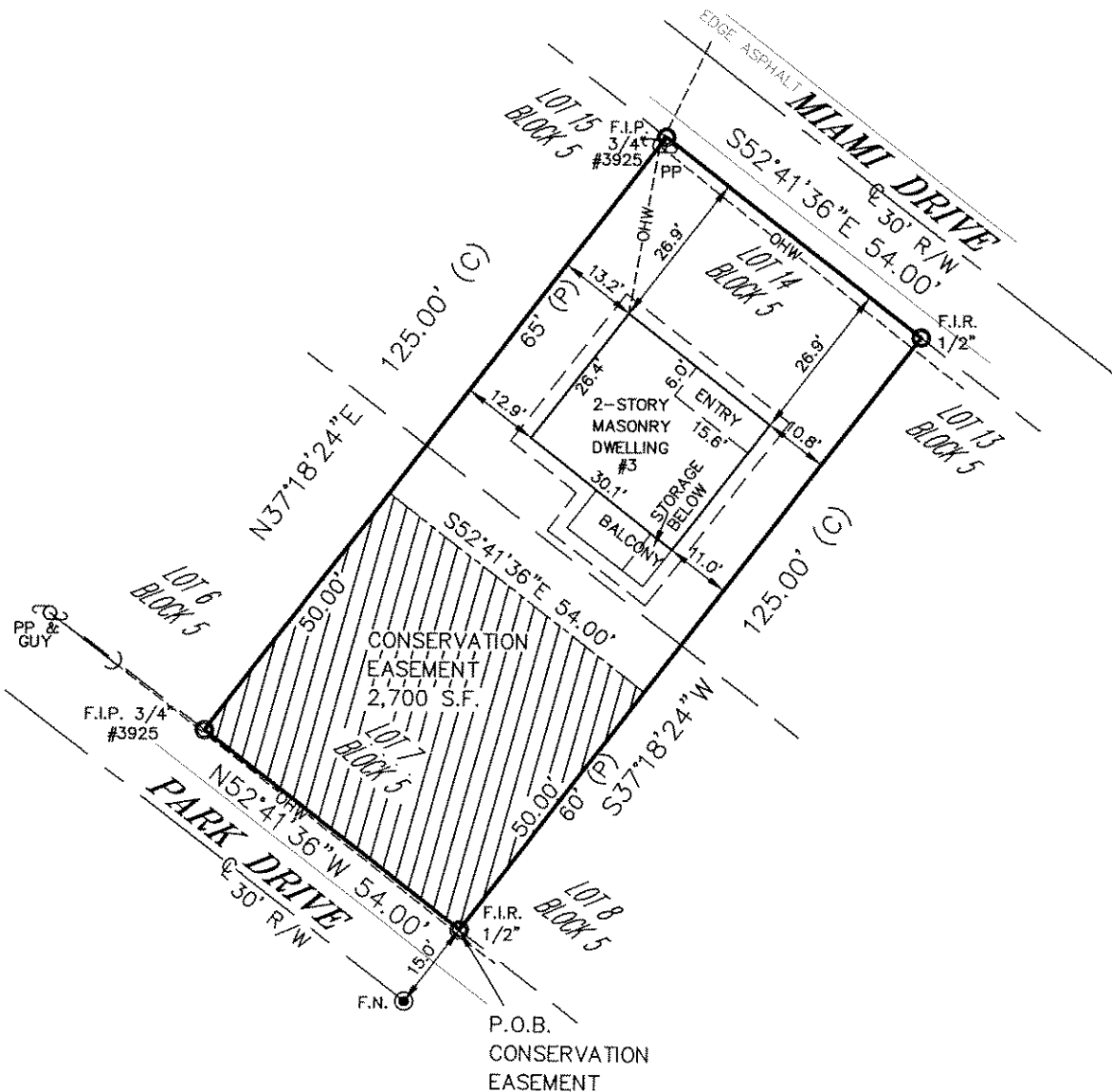
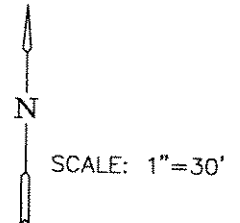
LAWRENCE P. FRANK

SURVEYORS • ENGINEERS • LAND PLANNERS
83266 OVERSEAS HIGHWAY, SUITE 500, ISLAMORADA, FLORIDA 33036
Phone (305) 664-0764 FAX (305) 664-0816

A DIVISION OF MEGAVISION BUSINESS CORPORATION L.B. NO. 5408

Prepared for: VALE

JOB No. K04496
SEC. 28, TWP. 61 S., RGE. 39 E.
MONROE COUNTY, FLORIDA



LEGAL DESCRIPTION:

LOTS 14 AND 7, BLOCK 5, AMENDED PLAT OF KEY LARGO PARK, ACCORDING TO THE PLAT THEREOF; AS RECORDED IN PLAT BOOK 3, PAGE 62 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

SUBJECT TO THE FOLLOWING DESCRIBED CONSERVATION EASEMENT:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 7, BLOCK 5, AMENDED PLAT OF KEY LARGO PARK, PLAT BOOK 3, PAGE 62 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE N52°41'36"W, 54.00'; THENCE N37°18'24"E, 50.00'; THENCE S52°41'36"E, 54.00'; THENCE S37°18'24"W, 50.00' TO THE POINT OF BEGINNING.

CONTAINING 2,700 SQUARE FEET, MORE OR LESS.

Monroe County Property Record Card (099)

Alternate Key: 1643424 Roll Year 2005
 Effective Date: 5/31/2005 9:14:54 AM Run: 05/31/2005 09:15 AM

GADDIS GERALD K
 9 MIAMI DRIVE
 KEY LARGO FL 33037

Parcel 00524170-000000-28-61-39 Npbd 1905
 Alt Key 1643424 Mill Group 500K
 Affordable Housing No PC 01
 Inspect Date Next Review
 Business Name
 Physical Addr 9 MIAMI DR, KEY LARGO

Associated Names		DBA	Role
Name			
GADDIS GERALD K,			Owner

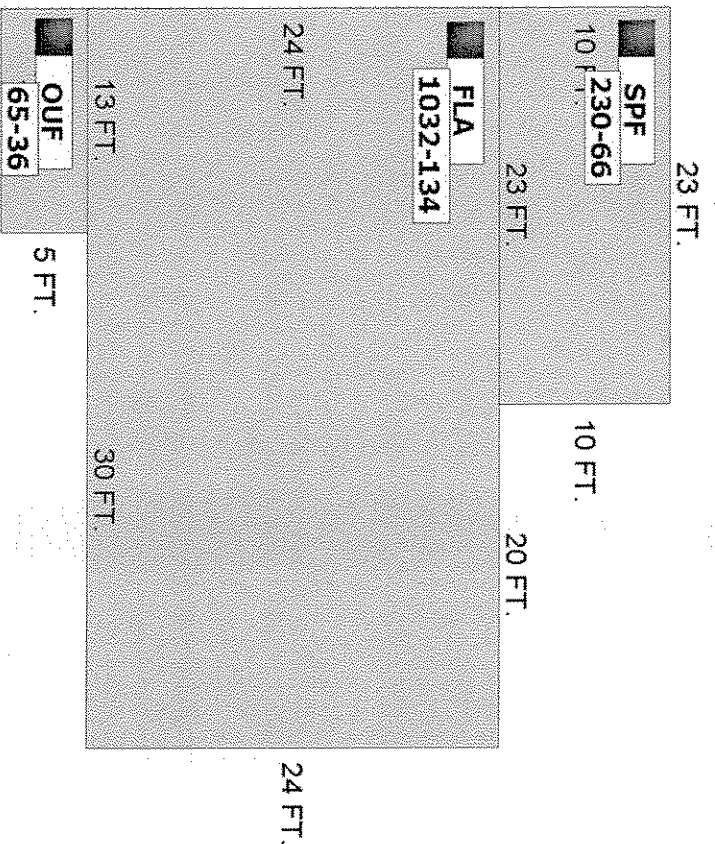
Legal Description
 AMD PLAT OF PB3-62 KEY LARGO PARK KEY LARGO LOT 17 & THE NLY 5' LOT 4 BLK 5 OR522-627 OR698-665 OR766-1994 OR768-1921 OR800-2467D/C OR855-3490/C (U/R DC ON FILE-MORROW A A)JB OR1331-460AFF(JB) OR1549-1102AFF(CW) OR1549-1103DC(CW) OR1549-1104(CW)

Land Data		1.25												
Line ID	Use	Front	Depth	Notes	# Units	Type	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Just Value
69987	010D	54	60	No	3,240.00	SF		1.00	1.00	1.00	1.00		N	
Total Just Value														

Monroe County Property Record Card (099)

Alternate Key: 1643424
Effective Date: 5/31/2005 9:14:54 AM
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Building Sketch 29377



Building Characteristics

Building Nbr 1 Building Type R1 Perimeter 134 Grnd Floor Area 1,032 Special Arch 0
Effective Age 20 Condition P Depreciation % 0.30 Functional Obs 0.00
Appraiser ID 086 Quality Grade 500 Year Built 1977 Economic Obs 0.00

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type 2 Roof Cover 3 Heat 1 1 Heat 2 0 Heat Src 1 4 Heat Src 2 0 Foundation 0 Bedrooms 2
Extra Features: 2 Fix Bath 0 4 Fix Bath 0 6 Fix Bath 0 Extra Fix 0 Vacuum 0 Security 0 Garbage Disposal 0
3 Fix Bath 1 5 Fix Bath 0 7 Fix Bath 0 Dishwasher 0 Intercom 0 Fireplaces 0 Compactor 0

Sections

Type	Number	Exterior Wall Type	# Stories	Year Built	Attic	Basement %	Finished Bsmt %	Area	Sketch ID
FLA	1	5.C.B.S.	1	1976	N	0.00	0.00	1,032	000
SPF	2	5.C.B.S.	1	1976	N	0.00	0.00	230	001
OUF	3	5.C.B.S.	1	1976	N	0.00	0.00	65	002

Monroe County Property Record Card (099)

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Roll Year 2005
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Miscellaneous Improvements											
Nbr	Impr Type	# Units	Type	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
1	PT3:PATIO	36	SF	12	3	1979	1980	1	50		
2	PT3:PATIO	120	SF	60	2	1979	1980	1	50		
3	CL2:CH LINK FENCE	96	SF	24	4	1997	1998	1	30		
4	CL2:CH LINK FENCE	300	SF	60	5	1997	1998	1	30		
5	FN2:FENCES	324	SF	54	6	1997	1998	2	30		
Total Depreciated Value											

Building Permits						
Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	9731728	Jun 1 1997 12:00AM	Nov 1 1997 12:00AM	1		CODE ENF CASE 97-618

Monroe County Property Record Card (099)

Alternate Key: 1643424
Effective Date: 5/31/2005 9:14:54 AM
Roll Year 2005
Run: 05/31/2005 09:15 AM

Value History

Tax Year	Val Method	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Tax Value
2004F	C	47,790		106,300	1,887	155,977	88,006	25,000	63,006
2003F	C	28,350		97,057	1,960	127,367	86,366	25,000	61,366
2002F	C	17,010		94,491	2,049	113,550	84,342	25,000	59,342
2001F	C	12,960		67,934	2,120	83,014	83,014	25,000	58,014
2000F	C	6,480		74,727	1,042	82,249	82,249	25,000	57,249
1999F	C	6,480		74,727	1,084	82,291	82,291	25,000	57,291
1998F	C	6,480		57,994	0	64,474	63,493	25,500	37,993
1997F	C	6,480		57,994	0	64,474	62,432	25,500	36,932
1996F	C	6,480		57,994	0	64,474	60,614	25,500	35,114
1995F	C	6,480		57,994	0	64,474	59,136	25,500	33,636
1994F	C	4,860		52,722	0	57,582	57,582	25,500	32,082
1993F	C	4,860		38,465	0	43,325	43,325	25,000	18,325
1992F	C	4,860		38,465	0	43,325	43,325	25,000	18,325
1991F	C	6,480		38,465	0	44,945	44,945	25,000	19,945
1990F	C	5,346		38,465	0	43,811	43,811	25,000	18,811
1989F	C	5,346		38,465	0	43,811	43,811	25,000	18,811
1988F	C	5,346		31,499	0	36,845	36,845	25,000	11,845
1987F	C	5,346		31,116	0	36,462	36,462	25,000	11,462
1986F	C	4,212		31,287	0	35,499	35,499	25,000	10,499
1985F	C	4,212		30,042	0	34,254	34,254	25,000	9,254
1984F	C	4,212		28,327	0	32,539	32,539	25,000	7,539
1983F	C	3,307		28,327	0	31,634	31,634	25,000	6,634
1982F	C	3,307		28,842	0	32,149	32,149	25,000	7,149

Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
800	2467	6/1/1978	Conversion Code	0	Q	1	34,000
1549	1104	11/25/1998	Warranty Deed	0	Q	1	98,000

Exemptions

Code	Description	Value	Year	Renewal	% Amount Applied
39	39 - 25000 HOMESTEAD	25,000	1999	1	100.00

Monroe County Property Record Card (099)

Alternate Key: 1643327 Roll Year 2005
 Effective Date: 5/31/2005 9:14:06 AM Run: 05/31/2005 09:14 AM

VALE JAVIER & IDANIA & RUIZ LAZARO H T/C
 5801 WEST 3RD AVENUE
 HIALEAH FL 33012

Parcel 00524070-000000-28-61-39 Nbrhd 1905
 Alt Key 1643327 Mill Group 500K
 Affordable Housing No PC 00
 Inspect Date Next Review
 Business Name
 Physical Addr KEY LARGO

Associated Names
 Name DBA Role
 VALE JAVIER & IDANIA & RUIZ LAZARO H T/C, Owner

Legal Description
 BK 5 LT 7 AMD PLAT OF PB3-62 KEY LARGO PARK KEY LARGO OR408-808 OR755-1459 OR1500-1416T(C)(B) OR1500-1417DC(B) OR1500-1418/19DC(AFF)(B)

Land Data 1.25														
Line ID	Use	Front	Depth	Notes	# Units	Type	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Just Value
69977	M10D	54	65	No	3,510.00	SF		1.00	1.00	1.00	1.00		N	
Total Just Value														

Monroe County Property Record Card (099)

Alternate Key: 1643327 Roll Year 2005
Effective Date: 5/31/2005 9:14:06 AM Run: 05/31/2005 09:14 AM

Value History

Tax Year	Val Method	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Tax Value
2004F	C	7,020		0	0	7,020	7,020	0	7,020
2003F	C	5,265		0	0	5,265	5,265	0	5,265
2002F	C	5,265		0	0	5,265	5,265	0	5,265
2001F	C	5,265		0	0	5,265	5,265	0	5,265
2000F	C	5,265		0	0	5,265	5,265	0	5,265
1999F	C	5,265		0	0	5,265	5,265	0	5,265
1998F	C	5,265		0	0	5,265	5,265	0	5,265
1997F	C	5,265		0	0	5,265	5,265	0	5,265
1996F	C	5,265		0	0	5,265	5,265	0	5,265
1995F	C	5,265		0	0	5,265	5,265	0	5,265
1994F	C	5,265		0	0	5,265	5,265	0	5,265
1993F	C	5,265		0	0	5,265	5,265	0	5,265
1992F	C	5,265		0	0	5,265	5,265	0	5,265
1991F	C	7,020		0	0	7,020	7,020	0	7,020
1990F	C	5,792		0	0	5,792	5,792	0	5,792
1989F	C	5,792		0	0	5,792	5,792	0	5,792
1988F	C	5,792		0	0	5,792	5,792	0	5,792
1987F	C	5,792		0	0	5,792	5,792	0	5,792
1986F	C	4,563		0	0	4,563	4,563	0	4,563
1985F	C	4,563		0	0	4,563	4,563	0	4,563
1984F	C	4,563		0	0	4,563	4,563	0	4,563
1983F	C	3,244		0	0	3,244	3,244	0	3,244
1982F	C	3,244		0	0	3,244	3,244	0	3,244

Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
1500	1416	2/1/1998	Warranty Deed	0	M	V	1